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be, if they had ever received the documents mentioned in the bordercase. The other questions would ask if they had received the firing manual, when they had received it and from whom, and whether either of them sent Esterhazy the petit bleu, a copy of which was to be telegraphed; and, finally, if they had ever directly or indirectly had any relations with Dreyfus.

## LABOR'S APPLICATION REFUSED.

The court deliberated for a quarter of an hour, and, on returning, the president, Colonel Jouast, read its decision, declaring the court incompetent to grant M. Labor's application.

Major Carrère, at 10:30 a. m., began his speech closing the case for the prosecution. All the generals and other officers who were seated in the witness's chairs rose and left the court room just before the Government Commissary opened, in accordance with the orders of the Minister of War, General the Marquis de Galliéni, to leave Rennes within two hours after the pleading had begun. There was an interesting scene in the courtyard of the Lycée, where the officers took leave of each other. They appeared to be in good spirits.

Maitre Demange, of counsel for the defense, will probably occupy the whole of to-morrow in his speech for the defense, and M. Labor will speak on Saturday, because the police authorities are opposed to the announcement of the verdict on Saturday, if it were possible to do so, on the ground that it would be likely to lead to trouble on Sunday.

After M. Labor had submitted his application for a rogatory commission, the Chief of Detectives, M. Cochefort, deposit favorably regarding the attitude of Dreyfus when Colonel Du Paty de Clam dictated the bordercase to him. The witness said that Dreyfus only appeared to be troubled afterward, when Du Paty de Clam questioned him.

M. Cochefort referred to the revolver found on a table near the desk at which Dreyfus was then seated, and he recounted how the prisoner, on perceiving it, cried: "I will not kill myself, I will live to establish my innocence."

The clerk of the court then read a letter from Captain Humbert to the effect that Dreyfus had expressed a keen desire in 1894 to enter the statistical section of the War office, saying that he met Dreyfus once carrying some voluminous packets of maps and documents, and remarked that he was acting very imprudently.

Dreyfus then arose and calmly traversed Captain Humbert's statements, declaring them to be inexact.

General Mercier came to the bar and said that he felt that the deposition of Captain Freystaetter was bound to have produced considerable impression on the minds of the judges. He spoke of the attacks made on him since the Captain had testified, saying that the Dreyfusard press had been calling him a false witness, etc. The General declared that he gave an order in 1894 that nothing should be done with the various translations of the Panizzi dispatch, adding that he himself was present when the packet of secret papers for the court martial was made up, and it did not contain the Panizzi dispatch. He had since questioned the judges of the court martial on the subject, but not one of them was prepared to swear that the dispatch was not submitted to them, because their recollections were now rather vague. This statement of General Mercier evoked a chorus of disgusted "Ohs" from the audience.

## MERCIER ACCUSES FREYSTAETTER.

General Mercier proceeded to call attention to contradictions in Captain Freystaetter's statements, reading an old letter from the Captain to a friend in which he declared that his mind was made up in 1894 before he saw the secret dossier, and another letter from an officer who was in company with Freystaetter in Madagascar, where the writer asserted that Captain Freystaetter talked of the court martial of 1894 but never mentioned the Panizzi dispatch. After this General Mercier brought up two bad points in Captain Freystaetter's career. While in Madagascar he was guilty of an act of disloyalty to his chief, and he also executed thirty natives. This assertion caused a certain impression in the audience, and Colonel Jouast asked General Mercier to abstain from giving any further particulars. The General added that he firmly believed that Captain Freystaetter was a brave man, but he thought the two acts referred to showed that he could not be entirely trusted. He asked the judges not to allow the Captain's evidence to shake their confidence in his own depositions, but to lend him the same credence as though the Freystaetter incident had never occurred.

The court here retired to deliberate on M. Labor's application, and its probable decision was eagerly discussed. Every one in court stood up when the judges returned. Colonel Jouast gave the order "Present arms" to the guard of soldiers at the bottom of the hall while he, standing, and with the other judges on either side of him, read the decision. The judges had unanimously decided that the president, Colonel Jouast, was competent to order a rogatory commission, but that the judges, as a body, according to the military code, were not competent to do so.

M. Labor thereupon asked Colonel Jouast if he still maintained his refusal to appoint the commission. Colonel Jouast replied, "Yes," and the testimony of Colonel Schwarzkoppen and Major Panizzi was thus excluded.

A pessimistic feeling was produced by Colonel Jouast's decision, and it was predicted that it meant the certain condemnation of Dreyfus. This was the unanimous opinion of the anti-Dreyfusards, and it was the impression of a majority of Dreyfusards, although some expressed the hope that Colonel Jouast took the action only because he knew that Dreyfus was to be acquitted.

When Major Carrère had concluded, Colonel Jouast ordered the adjournment of the court and Dreyfus rose quickly and apparently not detected. As the prisoner was passing counter's table, M. Labor stopped him and whispered, "Courage." Dreyfus smiled and nodded and as he proceeded M. Jaurès, the Socialist leader, and a number of others seated on the benches before which Dreyfus passed repeated M. Labor's word of encouragement.

## POLICE PRECAUTIONS.

The most elaborate police measures will be taken during the last day of the trial. Eight gendarmes will be distributed in the courtroom. Twenty gendarmes and a detachment of infantry will be stationed in the courtyard, the cords of troops and gendarmes in the vicinity of the Lycée will be tripled and placed further back, detachments of gendarmes will be posted on the squares and bridges of the town, and mounted gendarmes will patrol the principal streets of Rennes. The garrisons of neighboring towns will be held in readiness to be dispatched here at a moment's notice. If a cry is raised or a threatening gesture made by any one in the audience, before or after the verdict, the offender will be arrested and taken before the president of the court, President Jouast, and will be sentenced to punishment, the minimum penalty being two years in prison.

Major Carrère's summing up only lasted an hour and a quarter. It was generally characterized as one of the weakest and most ridiculous orations ever heard in a court. His absurd arguments and his grotesque mannerisms evoked continual outbreaks of derisive laughter. He said that he considered it to be established that Dreyfus wrote the bordercase, thought the phrase concerning the covering of troops was very significant, and pointed out that Dreyfus could have obtained the firing manual with little difficulty. Moreover, he himself noticed the alteration in Dreyfus's handwriting since 1894, in letters which he had written from Devil's Island.

Alluding to the secret dossier, the Major said that Esterhazy was not in a position to furnish the interesting information. Discussing the correspondence of "A" Major Carrère declared emphatically his belief that Dreyfus had relations with the Power of which "A" was the agent. He admitted that Esterhazy was not a nice person, but said there was nothing to prove that he was a traitor, and added that Piecourt had utterly failed to convince him of the innocence of Dreyfus.

"My belief in the innocence of Dreyfus," said Major Carrère, in conclusion, "has been transformed into a conviction of his guilt, which has been strengthened by the testimony of the witnesses for the prosecution. To-day I come to tell you on my soul and conscience, that Dreyfus is guilty, and to ask for the application of Article 76 of the Penal Code."

THE TESTIMONY.

Rennes, Sept. 7.—When the court martial resumed its sittings this morning it was noticed that the generals were again in uniform. Major Carrère, the Government Commissary, opened the proceedings by announcing that Eugen Czerninsky, the Austro-Hungarian refugee, was ill and unable to attend court to-day. But the Commissary added, the witness held himself at the disposition of the court at his hotel.

After this Savignaud, the ex-orderly of Colonel Piecourt, and one of the witnesses, asked the court to certify that Senator Trarieux, the former Minister of Justice, had called him an impudent and a purveyor. M. Trarieux rose and insisted that Savignaud's testimony was a contradiction of the testimony of Colonel Piecourt, M. Scheurer-Kestner and M. Roques, respectively, perjury somewhere, but not by the last trio of witnesses. M. Trarieux added that his statements were in accordance with the dictates of his soul and conscience, and if he was amenable to the law for them, there was also a law against perjurers.

After the court had certified to Senator Trarieux's charge, M. Labor rose and said:

"I have received notice that, for reasons of public policy, Major Panizzi and Colonel Schwarzkoppen could not come to Rennes to testify before the court martial. But I am also informed from the same quarters that they would answer the question of a commission sent by the court martial. I therefore beg the court to direct, as in the case of Colonel Du Paty de Clam, that Colonel Schwarzkoppen and Major Panizzi be examined by commission. The court will certainly understand that the defense must submit to the necessities of public policy, which are, I have no doubt, similarly understood by the Government of the republic. I shall therefore be glad if you will ask M. Paleologue if, in this case, the telegraph must not be employed. I think such a method would be exceedingly rapid, and I am convinced that the president of the court martial and the court martial itself will not refuse to allow the defense to ascertain the truth." Counsel added that he would make a formal application to this effect.

KEPT AWAY BY PUBLIC POLICY.

Colonel Jouast, president of the court, invited the opinion of M. Paleologue, who replied: "It is clear that considerations of public policy stand in the way of foreign military attachés appearing in French court to testify in regard to facts of which they had cognizance in their diplomatic capacity. Colonel Schwarzkoppen and Major Panizzi will not attend the court martial.

"As regards the dispatch of a commission, I believe the Foreign Office will not oppose it. But I must take all reservations regarding the use of the telegraph. I do not know if that would be a regular proceeding."

M. Labor—But couriers can be employed.

M. Paleologue—I do not think the telegraph can be used.

Major Carrère—I do not oppose the appointment of a commission. It is a matter for the president to decide. There is no legal objection, provided we respect the provisions of the military code which do not permit an interruption of the trial. Such procedure must not be allowed to hinder the progress of the trial, and must, therefore, be rapid.

M. Labor—I think it possible to make the procedure I propose very rapid. The military code provides for a suspension of forty-eight hours. On the other hand, the court might shorten its sittings, reducing them to four hours each. In any case, I shall have the honor of formulating an application which I will submit to the court.

While M. Labor was drafting his motion, a member of the court martial remarked that certain documents mentioned in Du Paty de Clam's depositions could not be found either among the records or in the Statistical Department of the War Office.

M. Demange—Perhaps they are under seal.

M. Labor then read his application, saying that as considerations of public policy prevented the appearance of Colonel Schwarzkoppen and Major Panizzi before the court martial, commissions should be sent to examine them, in order to permit those officers to state under oath all that they knew in regard to the case. Counsel requested the court to have the following questions put to each of the two officers:

First—On what date did you receive the documents mentioned in the bordercase?

Second—Are these documents in the same handwriting as the bordercase which you know from a facsimile?

Third—What did these documents contain?

Fourth—Did you receive the firing manual, either in the original or a copy?

Fifth—Did you receive the graduation bar?

Sixth—Since what date and until what date did you receive these documents?

Seventh—Was it the same correspondent that you addressed the petit bleu to, referred to in the conversation between Count von Münster and M. Delcasse?

Eighth—Have you had direct relations with the accused?

A HEAVY BLOW AT DREYFUS.

Colonel Jouast invited Major Carrère's opinion, and the latter referred to the provisions of the military code.

M. Labor urged the importance of the testimony of these two witnesses, whom he declared, he would not have cited if Czerninsky had not been called. Counsel pointed out that it was possible to suspend the proceedings long enough to obtain replies to the questions, which he considered indispensable.

The court retired to deliberate on the motion, and, on its return, Colonel Jouast read the judgment. It declared that the president of the

court alone was competent to appoint a commission to interrogate Colonel Schwarzkoppen and Major Panizzi, and the court unanimously pronounced itself incompetent to give effect to counsel's motion.

M. Labor asked Colonel Jouast whether, seeing that he alone was competent, he refused to grant the application.

Amid prolonged excitement, Colonel Jouast replied: "I do."

M. Cochefort, Chief of the Detective Department, was recalled in connection with Colonel Du Paty de Clam's version of the dictation scene. He said that he noticed that Dreyfus showed great perturbation after having been questioned by Du Paty de Clam.

The witness said that on a side table was a revolver, and Dreyfus, noticing the weapon, exclaimed: "I will not take my life. I will live and prove my innocence."

After Lieutenant Bernheim had been recalled and explained to the court the uses of the graduation bar, which General Mercier produced for the court's benefit, a letter was read from Captain Humbert, of the Engineers, who like the witness Gallepin, met Dreyfus carrying documents from the Geographical Department. He referred to the desire of Dreyfus to enter the Statistical Section.

THE PRISONER CORRECTS A WITNESS.

In reply to the usual questions, Dreyfus said that Captain Humbert's recollections were not exact, adding: "In regard to the papers mentioned, perhaps it is advisable to have the commissariat tables of Plan 13 produced, when you will see that they are of no great importance. It is certain I was acquainted with five or six tables, the printing of which I was instructed to superintend."

Colonel Jouast—Did you apply to Colonel Sandher for the Statistic Section?

Dreyfus—No.

Colonel Jouast—Did you not express such a desire to your comrades?

Dreyfus—No.

General Mercier here reappeared on the scene. After saying that the evidence of Captain Freystaetter must have greatly influenced the judges, he referred to the attacks on himself made by the Revisionist newspapers, saying that in consequence of Freystaetter's assertions he had been described as a forger, and it was great satisfaction to him now to be able to reply to Captain Freystaetter by adducing, in addition to the testimony of Colonel Maire, an addition of his own testimony, which was confirmed by Colonel Du Paty de Clam's deposition.

Information which the witness had happily been enabled to obtain would completely enlighten the judges. He maintained that in 1894 he gave orders that the various translations of the Panizzi telegram, received from the Foreign Office should not be taken into account. The sealed envelope handed to the court martial of 1894, the General also said, was made up in his presence and did not contain the Panizzi telegram. It was sealed by Colonel Sandher, and Colonel Du Paty de Clam was intrusted with conveying it to the court martial.

The witness had questioned the officers who acted as judges in the court martial of 1894, in regard to the presentation to the court of a secret envelope. All, with a single exception, had assured him that they did not remember reading the Panizzi telegram, although they could not declare under oath that it was not among the documents. These officers apologized for the vagueness of their recollections after the lapse of five years.

FREYSTAETTER CALLED A LUNATIC.

General Mercier asserted that these statements themselves constituted proof, but he thought it necessary to point out contradictions in the evidence of Captain Freystaetter. He read an old letter from Freystaetter to a friend in which the Captain expressed his belief in the guilt of Dreyfus. The General quoted a number of statements to the same effect alleged to have been made by Freystaetter.

General Mercier, continuing, said that he reproached Captain Freystaetter for engaging in newspaper discussions. There were indications, witness thought, of a certain mental derangement. In support of the theory of lunacy General Mercier mentioned that Freystaetter, while in Madagascar was once guilty of disobeying his commander and on another occasion evaded thirty natives without trial. The allegations of General Mercier caused so much excitement in court that Colonel Jouast requested the General not to enlarge on the subject.

In conclusion General Mercier invited the judges to pay no attention to Captain Freystaetter's statements, but to accord to the testimony which he himself had the honor to give all the confidence and moral authority they would have reposed in it if the Freystaetter incident had never happened.

Maitre Demange said that he agreed with General Mercier that the Freystaetter incident could be dropped without injuring the case of Dreyfus.

"Thank God," said the lawyer, "I am here in a court of justice where the question of justice is being discussed before honorable men and loyal soldiers. Then let this incident be forgotten."

The reports of experts were next read, showing that the tracing paper on which the bordercase was written was similar to paper used by Esterhazy, and official records were produced showing that Dreyfus was wrong in regard to the number of probations in 1894. The prisoner admitted that his recollections were perhaps not precise.

CERNUZKY'S RECORD IN AUSTRIA.

M. Labor said that he regretted that Czerninsky was not present, as counsel desired to question him, and, in any case, he wanted to add to the dossier certain letters showing that Czerninsky had suffered from insanity, and was destitute of moral sense. The defense had discovered that applications had been made for Czerninsky's extradition, and that he was pronounced to be altogether worthless and unreliable. Counsel also said that, although represented by a political refugee, that Dreyfus was not clever and are not tactful. May be that is so. But we are a simple and upright people, who proceed direct toward our duty, and our acts are always characterized by good faith."

The Major proceeded to examine the bordercase, saying that apart from the question of the handwriting, upon which even the experts fell out, he thought that the references to covering the troops and the artillery formation were very significant. Esterhazy, he pointed out, would have had no difficulty in securing the firing manual; therefore he could hardly have written that it was difficult to get; while Dreyfus could not easily have obtained it.

Discussing the sentence about going to the manorhouse which has caused so much controversy, Major Carrère declared that it would have been impossible for Esterhazy to write it. He referred to the complexity of the prisoner's character, and proceeded to dilate upon the impropriety with which he had examined the whole case, upon which he asserted, he had entered with his opinion wholly unformed.

HIS CONVICTION CHANGED.

"I said to myself, let's take the hull by the horns," he said. "It was Piecourt who brought about the revision. Let us study Piecourt. I found his case perfectly constructed, and for a moment hoped we might acquit and rehabilitate an innocent man. It would have been all to our advantage and no trouble to repair a judicial error of the judges of 1894, whose honor has never been born impounded. That would necessarily have pacified the public mind. But closer investigation of Piecourt's case showed fissures."

My momentary conviction of the innocence of Dreyfus was transformed into a stronger belief in his guilt, which has been confirmed by the testimony of the witnesses, and I come here, to tell you on my soul and conscience, that Dreyfus is guilty, and I demand the application of Article 76 of the Penal Code."

The last statement of the Government Commissary caused a great deal of excitement in the court, which was afterward adjourned for the day.

LABOR PROBABLY MISINFORMED.

Berlin, Sept. 7.—The semi-official press expresses considerable surprise at the announcement of the declaration of Maitre Labor, that he had been officially informed that Colonel Schwarzkoppen would be allowed to depose. The "Central Gazette" says:

Germany will neither permit Colonel Schwarzkoppen to go to trial, nor will she allow him to be subjected to any examination. Count von Bulow's declarations respecting the innocence

of Dreyfus were made after careful examination and consultation with the Emperor. These declarations did not meet in France with the recognition of the Emperor, and there is no guarantee that Colonel Schwarzkoppen, as a witness, would meet with any better reception.

The opinion in official circles is that Germany cannot easily expose herself to the possibility that her official declarations would remain disregarded or treated as false.

The other papers take a similar ground, the "National Gazette" saying that "Germany's decision will be rightfully understood everywhere outside of France."

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